

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney  
2  
3 MARK KROTOSKI (CSBN 138549)  
Chief, Criminal Division  
4  
5 DENNIS MICHAEL NERNEY (CSBN 40989)  
Assistant United States Attorney  
6  
7

450 Golden Gate Avenue  
San Francisco, California 94102  
Telephone: (415) 436-6844

8 Attorneys for Plaintiff  
9  
10

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA, ) No.: CR 06-0181 VRW  
13 Plaintiff, )  
14 v. ) STIPULATION AND [PROPOSED]  
15 JOSE JESUS QUINONES, ) ORDER EXCLUDING TIME UNDER  
16 Defendant. ) THE SPEEDY TRIAL ACT  
17

18 On Tuesday, August 15, 2006, the parties appeared before the Court for a status hearing  
19 or guilty pleas by the defendant Quinones. The United States was represented by Assistant  
20 United States Attorney Dennis Michael Nerney. Defendant Jose Quinones was represented at the  
21 proceeding by Daniel Blank of the Office of the Federal Public Defender. At that time, the  
22 defendant Quinones entered open pleas of guilty to Counts Four and Five of the indictment. The  
23 Court set the case on its calendar for judgment and sentence on Tuesday, November 14, 2006.

24 During the proceeding, the Defendant Quinones and the government jointly requested a  
25 continuance of the case to Tuesday, October 17, 2006 at 10:30 a.m for a further status hearing  
26 concerning possible resolution of Counts One and Three of the indictment. The parties agreed  
27 that for such reason, counsel for the defendant would require a reasonable amount of time to  
28 confer with his client and government counsel would also need time to consult with his superiors

1 in order to resolve the rest of the case.

2 The parties jointly requested that the time period from August 15, 2006 through and  
3 including October 17, 2006 be excluded from the calculation of time under the Speedy Trial Act.

4 The defendant, through his counsel, consented to this exclusion of time.

5 Specifically, the parties moved to have the time from August 15, 2006 through and  
6 including October 17, 2006 excluded from the time limits set forth in the Speedy Trial Act, 18  
7 U.S.C. § 3161, on the ground that failure to exclude the time would unreasonably deny counsel  
8 for the defendants the reasonable time necessary for effective preparation of counsel, taking into  
9 account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed  
10 that the case was complex within the meaning of Title, 18, U.S.C. § 3161(h)(8)(B)(ii) because of  
11 the nature of the prosecution, and for that reason time should also be excluded under the Speedy  
12 Trial Act to permit defense counsel to review the voluminous wiretap discovery in the case. In  
13 addition, the ends of justice would be served by the Court excluding the proposed time period;  
14 these ends outweigh the best interest of the public and the defendants in a speedy trial. 18 U.S.C.  
15 §§ 3161(h)(8)(A), (B)(iv).

16 With the consent of the parties, the period from August 15. 2006 through and including  
17 October 17, 2006 shall be excluded from the Speedy Trial Act calculation under 18 U.S.C.  
18 § 3161(h)(8)(A), (B)(ii),and (B)(iv).

19 SO STIPULATED.

20 DATED: August 25 , 2006

/S/ Daniel Blank  
DANIEL BLANK  
Counsel for Jose Jesus Quinones

23 DATED: August 25, 2006

/S/ Dennis Michael Nerney  
DENNIS MICHAEL NERNEY  
Assistant United States Attorney

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 DATED: 9/1/2006

  
VAUGHN R. WALKER  
UNITED STATES DISTRICT JUDGE